

**WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP**  
PATENT AND TRADEMARK ATTORNEYS

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Date: July 13, 2007

Number of Pages: Cover sheet plus 6 page(s)

To: Mail Stop Petition  
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Fax Number: 571-273-8300

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PAGE 1/7 \* RCVD AT 7/13/2007 1:51:31 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/21 \* DNIS:2738300 \* CSID:317 637 7561 \* DURATION (mm-ss):02:26

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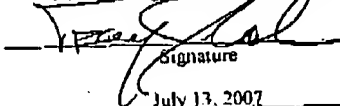
JUL 13 2007

20045-1544.TJC.473242

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Cleary et al. ) Before the Examiner  
Serial No. 09/681,968 ) David Jung  
Filed June 30, 2001 ) Conf. No. 2589  
CUSTOMER- ) Group Art Unit 2134  
CONTROLLED )  
INVENTORY ACCESS ) July 13, 2007

**CERTIFICATE OF FACSIMILE**  
I hereby certify that this correspondence is  
being directed to the Commissioner of  
Patents via facsimile to the Examiner of  
record at 571-273-8300 on July 13, 2007.

Troy J. Cole  
Name of Registered Representative  
  
Signature  
July 13, 2007  
Date of Signature

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY FOR FAILURE TO PAY THE ISSUE FEE  
UNDER 37 C.F.R. §1.137(b)**

Mail Stop Petition  
Hon. Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner to revive this application.

1. The above-identified application is believed to have become abandoned for failure to pay the Issue Fee required in response to the Notice of Allowance mailed March 12, 2007. The Issue Fee was due June 12, 2007. As of this date, no Notice of Abandonment has been received from the U.S. Patent and Trademark Office.
2. The present application was filed and prosecuted by the law firm of Lundeen & Dickinson, P.O. Box 131144, Houston, Texas 77219-1144.
3. The Notice of Allowance and Issue Fee(s) Due for the present application was mailed to Lundeen & Dickinson on March 12, 2007.

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PETITION FOR REVIVAL  
S/N 09/681,968  
July 13, 2007

4. The original assignee of the present application, CellStar, Ltd., assigned their rights in the present application to the current assignee, Brightpoint, Inc. on March 30, 2007. This assignment was recorded at reel 019122/frame 0779 on April 6, 2007.

5. On or about March 30, 2007, the current assignee directed Lundeen & Dickinson to transfer over 600 patent and trademark files previously owned by CellStar to the law firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP. The undersigned is a partner in this firm. The present application is one of the files so transferred.

6. The current assignee executed a Power of Attorney on April 11, 2007 revoking the prior power of attorney granted to Lundeen & Dickinson and giving power of attorney to the law firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP.

7. This Power of Attorney was filed with the U.S. Patent and Trademark Office on April 23, 2007. A Notice of Acceptance of Power of Attorney was mailed by the U.S. Patent and Trademark Office on May 15, 2007.

8. File intake clerks at the current law firm were responsible for reviewing each of the files transferred from the prior law firm. A review of the physical file for the present application indicates that our standard File Intake Checklist was filled out for the present application on May 3, 2007.

9. After file intake, our standard procedure is that the file is sent to our Docketing Department to have the relevant docket dates entered into our firm's automated docketing system. The "Docketing" section of the File Intake Checklist for the present application is blank, indicating that it has not yet been entered into our docketing system.

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10. Because of this, no docket entry to pay the Issue Fee on June 12, 2007 appeared on the docket of the undersigned, who is the attorney responsible for the present application.

11. Applicant became aware that the Issue Fee had not been paid on July 12, 2007, when a representative of the current assignee called the undersigned's law firm to confirm that the Issue Fee had been paid.

12. A review of the physical file for the present application on July 12, 2007 revealed the missed docket date.

13. Applicant is filing the present Petition to Revive on July 13, 2007.

14. Applicant therefore respectfully requests that the present application be revived from abandonment.

15. The entire delay in filing the required reply (i.e. payment of the Issue Fee) from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

16. Applicant is filing herewith a Fee(s) Transmittal form required with the payment of the Issue Fee.

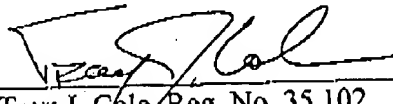
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17. Enclosed is credit card authorization for the amount of \$2900.00, representing the Issue Fee (\$1400.00) and the statutory fee for a large entity under 37 CFR §1.17(m) to revive the subject application (\$1500.00). The Commissioner is hereby authorized to credit any overpayment or debit any additional fee that may be due in connection with this application to the deposit account of the undersigned, No. 23-3030.

Respectfully submitted,

Date: July 13, 2007

By   
Troy J. Cole, Reg. No. 35,102  
Woodard, Emhardt, Moriarty  
McNett & Henry, LLP  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
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